



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**To:** City of Phoenix Planning Commission **Date:** November 5, 2020  
**From:** Samantha Keating  
Principal Planner **REVISÉD**

**Subject:** ITEM NO. 11 (Z-14-20-2) – SOUTHEAST CORNER OF KIERLAND  
BOULEVARD AND MARILYN ROAD

This memo is to address staff comments regarding the Paradise Valley Village Planning Committee recommendation for the Kierland Sky PUD (Z-14-20-2) and to provide a revised staff recommendation that provides clarity and enforceability to the stipulations added by the Village Planning Committee.

The Paradise Valley Village Planning Committee recommended approval of the request on November 2, 2020 with additional stipulations and development narrative modifications by a vote of 14 to 2. The additional stipulations, presented by the applicant, address traffic mitigation in the area surrounding the site. The applicant proposed the additional stipulations to address concerns from nearby residents. The development narrative modifications included additional context regarding proposed height as well as prescribing limits on the type of outdoor music.

The applicant is currently in the process of formalizing a private agreement with the Kierland Community Alliance that would include a non-city escrow fund for traffic mitigation. This agreement will outline more specific parameters in regard to timing, funding and location of improvements. Because the City of Phoenix is not able to enforce a private agreement nor guarantee specific traffic mitigation measures without conducting further study and analysis, staff recommends modified stipulation language for Stipulation Nos. 7 through 9.

Staff also recommends several updates to the development narrative modifications to provide additional clarity and notate where additional standards should be introduced in the narrative. Stipulation No. 1.e has been updated to indicate that the additional height standards be included in the development standards table of the narrative. Stipulation No. 1.f has been removed because it is already addressed in the narrative. Finally, original Stipulation No. 1.g has been updated to indicate live music be prohibited.

Staff recommends approval, subject to the revised stipulations below:

1. An updated Development Narrative for the Kierland Sky PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the

Development Narrative date stamped October 16, 2020, as modified by the following stipulations:

- a. Front Cover: Remove "HEARING DRAFT" and revise submittal date information on bottom of the cover page as follows:  
1st Submittal: May 17, 2020  
2nd Submittal: June 20, 2020  
Hearing Draft: September 11, 2020  
City Council adopted: TBD
  - b. Add the landscape setbacks to the comparative development standards table.
  - c. Provide a dimensioned landscape plan depicting distance between sidewalk and back of curb and landscape setbacks. Include caliper sizes of trees, number of shrubs under each tree, groundcover percentages in a table format on the plan.
  - d. Provide landscape standards for the terraces to include minimum 5 gallon shrubs, with 50% live coverage at maturity.
  - E. **ADD THE FOLLOWING TO THE DEVELOPMENT STANDARDS TABLE: THE SOUTHERN BUILDING WILL BE NO HIGHER THAN 56 FEET, AND NO CLOSER THAN A MINIMUM OF APPROXIMATELY 560 FEET AWAY FROM THE CLOSEST EXISTING SINGLE-FAMILY RESIDENCE; AND THE BUILDING CONNECTED TO IT, NO HIGHER THAN 84 FEET, AND NO CLOSER THAN A MINIMUM OF APPROXIMATELY 700 FEET AWAY FROM THE CLOSEST EXISTING SINGLE-FAMILY RESIDENCE.**
  - ~~F. THE NORTHERN BUILDING SHALL BE NO HIGHER THAN 88 FEET.~~
  - F. **THE FOLLOWING SHALL BE INCLUDED IN THE USE STANDARDS SECTION: THERE SHALL BE NO OUTDOOR LIVE MUSIC OR DJ MUSIC ON SITE, ONLY OUTDOOR BACKGROUND DINING MUSIC SHALL BE ALLOWED.**
2. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
  3. The developer shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study had been reviewed and approved by the City. Additional off-site improvements and right-of-way dedications may be required as identified in the approved

traffic study. Development shall be responsible for the cost associated with these improvements and dedications.

4. The property owner shall record documents that disclose the existence, and operational characteristics of Scottsdale Municipal Airport (SDL) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
5. The developer shall provide documentation to the City of Phoenix prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
6. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
7. ~~PRIOR TO AT THE TIME OF THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR PHASE I THE PROPERTY OWNER WILL ESTABLISH A~~ **EVIDENCE SHALL BE PROVIDED THAT THE PROPERTY OWNER HAS DEPOSITED FUNDS TO BE USED BY THE STREET TRANSPORTATION DEPARTMENT PAY FOR TRAFFIC MITIGATION MEASURES, TO BE APPROVED BY THE CITY OF PHOENIX STREET TRANSPORTATION DEPARTMENT WITHIN 1 MILE OF THE SITE, AS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT AND THE PLANNING AND DEVELOPMENT DEPARTMENT. THE FUNDS WILL BE HELD FOR 5 YEARS UPON WHICH ANY UNUSED PORTION WILL BE RETURNED TO THE PROPERTY OWNER PROVIDING FUNDING.**
8. ~~PRIOR TO AT THE TIME OF THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR PHASE II THE PROPERTY OWNER WILL ESTABLISH AN~~ **EVIDENCE SHALL BE PROVIDED THAT THE PROPERTY OWNER HAS DEPOSITED ADDITIONAL FUNDS TO BE USED BY THE STREET TRANSPORTATION DEPARTMENT PAY FOR TRAFFIC MITIGATION MEASURES, TO BE APPROVED BY THE CITY OF PHOENIX STREET TRANSPORTATION DEPARTMENT WITHIN 1 MILE OF THE SITE, AS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT AND THE PLANNING AND DEVELOPMENT DEPARTMENT. THE FUNDS WILL BE HELD FOR 5 YEARS UPON WHICH ANY UNUSED PORTION WILL BE RETURNED TO THE PROPERTY OWNER PROVIDING FUNDING.**
9. ~~PRIOR TO AT THE TIME OF THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR PHASE II THE PROPERTY OWNER WILL ESTABLISH A~~ **EVIDENCE SHALL BE PROVIDED THAT THE PROPERTY OWNER HAS**

**DEPOSITED FUNDS TO BE USED BY THE STREET TRANSPORTATION DEPARTMENT TO CONTRIBUTE TO A HAWK LIGHT AT THE INTERSECTION OF ACOMA DRIVE AND KIERLAND BOULEVARD BLVD. OR IN THE ALTERNATIVE FUND TRAFFIC MITIGATION MEASURES TO BE APPROVED BY THE CITY OF PHOENIX STREET TRANSPORTATION DEPARTMENT WITHIN 1 MILE OF THE SITE, AS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT AND THE PLANNING AND DEVELOPMENT DEPARTMENT. THE FUNDS WILL BE HELD FOR 5 YEARS UPON WHICH ANY UNUSED PORTION WILL BE RETURNED TO THE PROPERTY OWNER PROVIDING FUNDING.**